

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SOVERAIN SOFTWARE LLC.,

Plaintiff,

v.

Civil Action No. 6:07CV-511[LED]

CDW CORPORATION, NEWEGG, INC.,
REDCATS USA, INC., SYSTEMAX, INC.,
ZAPPOS.COM, INC., REDCATS USA,
L.P., THE SPORTSMAN'S GUIDE, INC.,
and TIGERDIRECT, INC.

Defendants.

STIPULATION OF DISMISSAL WITHOUT PREJUDICE
AS TO DEFENDANT REDCATS USA, INC.

It is hereby stipulated and agreed by and between Plaintiff Soverain Software LLC and Defendant Redcats USA, Inc., and by their attorneys, that pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiff Soverain Software LLC's claims against Defendant Redcats USA, Inc. in the above-captioned action be, and they hereby are, dismissed without prejudice.

Each party shall bear its own costs and attorneys' fees.

Respectfully submitted,

<p><u>/s/ Thomas L. Giannetti (w/permission)</u> Kenneth Robert Adamo State Bar No. 00846960 Mark Christopher Howland State Bar No. 24027240 JONES DAY – Dallas 2727 North Harwood Street Dallas, Texas 75201 Telephone: 214-969-4856 Email: mchowland@jonesday.com Email: kradamo@jonesday.com</p> <p>Thomas I. Giannetti NY Attorney Reg. No. 1632819 Barry R. Satine Ognian V. Shentov NY Attorney Reg. No. 2867737 JONES DAY – New York 222 E 41 Street New York, NY 10017 Telephone: 212-326-3939 Facsimile: 212-755-7306 Email: tlgiannetti@jonesday.com Email: barryrsatine@jonesday.com Email: ovshentov@jonesday.com</p> <p>Jennifer Seraphine JONES DAY – San Francisco 555 California Street 26th Floor San Francisco, CA 94104 Telephone: 415-875-5892 Facsimile: 415-875-5700 Email: jseraphine@jonesday.com</p> <p><i>Attorneys for Plaintiff Soverain Software LLC</i></p>	<p><u>/s/ Tonya R. Deem (w/permission)</u> Michael E. Jones State Bar No. 10929400 POTTER MINTON A Professional Corporation 110 N. College, Suite 500 (75702) P.O. Box 359 Tyler, Texas 75710 Telephone: 903-597-8311 Facsimile: 903-593-0846 mikejones@potterminton.com</p> <p>J. Steven Gardner (N.C. Bar No. 20984) Tonya R. Deem (N.C. Bar No. 23075) Frank W. Leak (N.C. Bar No. 27937) KILPATRICK STOCKTON LLP 1001 West Fourth Street Winston-Salem, NC 27101-2400 Telephone: 336-607-7300 Facsimile: 336-607-7500 Email: SGardner@kilpatrickstockton.com Email: TDeem@kilpatrickstockton.com Email: FLeak@kilpatrickstockton.com</p> <p><i>Attorneys for Defendant Redcats USA, Inc.</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of December 2007, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Thomas L. Giannetti

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Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE
AS TO DEFENDANT REDCATS USA, INC.

Before the Court is the parties' Stipulation of Dismissal as to Defendant Redcats USA, Inc. After considering the Stipulation and finding that good cause exists for the granting of the same, it is hereby ORDERED that Defendant Redcats USA, Inc. is DISMISSED from the above-entitled and numbered case without prejudice as to the re-filing of same, and that each party shall bear their own costs and fees.